10/519545

Atty. Dkt. No. 81356/228

## DT01 Rec'd PCT/PTC 2 8 DEC 2004

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant:

Takehiko SAHARA et al.

Title:

YEAST-DERIVED PROMOTERS, AND THE VECTORS AND

**EXPRESSION SYSTEMS USING THE PROMOTERS** 

Appl. No.:

Unassigned

Int'l Appln. No:

PCT/JP03/05956

Int'l Appln. Filing Date:

May 13, 2003

Examiner:

Not yet assigned

Art Unit:

Not yet assigned

# UNDER 37 CFR §1.56

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

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### TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the filing date of the application.

#### RELEVANCE OF EACH DOCUMENT

The documents being cited in the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding international application. A copy of the International Search Report is attached setting forth the portion of the documents considered relevant by the examiner. A copy of the cited references listed in the Search Report is not being submitted herewith.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

FOLEY & LARDNER LLP

Customer Number: 22428 Telephone: (202) 672

(202) 672-5404

28 December 2004

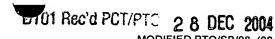
Facsimile:

(202) 672-5399

Stephen A. Bent

Attorney for Applicant

Registration No. 29,768



**MODIFIED PTO/SB/08 (08-00)** 

Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO				Complete if Known				
	INFORMATIO	N DISCLO	SURE	Application Number	Unassigned 107519545			
STATEMENT BY APPLICANT				Filing Date	12/28/2004			
Date Submitted: December 28, 2004				First Named Inventor	Takehiko SAHARA et al.			
	Date Submitted: L	Jecember	20, 2004	Group Art Unit	Unassigned			
	(use as many she	eets as ne	cessary)	Examiner Name	Unassigned			
Sheet	1	of	1	Attorney Docket Number	081356-0228			

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document			Date of Publication of	Pages, Columns, Lines, Where Relevant
		Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear
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Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent D Office <sup>3</sup> Number <sup>4</sup>	Cocument  Kind Code <sup>5</sup> (if known)	Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Т
	A1	JP 8-9977 A		Kirin Brewery Co., Ltd.	1/16/1996		
	Α!	31 0-3377 A		Killi Brewery Co., Ltd.	1/10/1990		-

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A2	International Search Report of PCT/JP03/05956	
	А3	J.C. VARELA et al., "The Saccaromyces cerevisiae HSP12 gene is activated by the high-osmolarity glycerol pathway and negatively regulated by protein kinase A", Mol. Cell. Biol., 1995, Vol. 15, No. 11, pp. 6232-6245.	
	A4	E. DE GROOT et al., "Very low amounts of glucose cause repression of the stress-responsive gene HSP12 in Saccharomyces cerevisiae", Microbiology, 2000, Vol. 146, No. 2, pp. 367-375.	
	A5	T. SAHARA et al., "Comprehensive expression analysis of time-dependent genetic responses in yeast cells to low temperature", J. Biol. Chem., 2002, December, Vol. 277, No. 51, pp. 50015-50021.	
	A6	L. ZHANG et al., "Multiple mechanisms regulate expression of low temperature responsive (LOT) genes in Saccharomyces cerevisiae", Biochem Biophys Res Commun, 2001, Vol. 283, No. 2, pp. 531-535.	
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Examiner	Date	
Signature	Considered	

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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.